

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

FISH FARMS PARTNERSHIP,)	
)	
Plaintiff,)	
)	
v.)	No. 2:09-CV-163
)	
WINSTON-WEAVER CO. INC., and)	
CROP PRODUCTION SERVICES, INC.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

By memorandum and order dated May 12, 2010 [docs. 34, 35], the court granted in part the motion for judgment on the pleadings filed by defendant Crop Production Services, Inc. The court dismissed five tort counts of plaintiff's first amended complaint as to that defendant: count six (negligent misrepresentation), count seven (intentional misrepresentation), count eight (negligence), count ten (false advertising), and count eleven (strict liability in tort).

Defendant Winston-Weaver Co. Inc. has now moved for dismissal of those same five counts [doc. 37]. Plaintiff has filed a one-page response in opposition to the motion, incorporating by reference much of its previous briefing in this case [doc. 39]. The motion is now ripe for the court's consideration.

In its prior memorandum opinion, the court concluded that plaintiff's tort claims are barred by Tennessee's economic loss doctrine. [Doc. 34, p. 6-9]. The reasoning

employed therein applies equally to each defendant in this case. Winston-Weaver's motion for partial judgment on the pleadings is accordingly **GRANTED** for the reasons provided in the court's previous opinion [doc. 34, p. 6-9]. Counts six, seven, eight, ten, and eleven of plaintiff's first amended complaint are **DISMISSED** in full.

IT IS SO ORDERED:

ENTER:

s/ Leon Jordan
United States District Judge